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Attorneys for Plaintiff  
STATE FARM FIRE AND CASUALTY COMPANY

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

STATE FARM FIRE AND CASUALTY  
COMPANY

Plaintiff,

V.

DARYL GRESS, CARLA GRESS, CINDY  
BISHOP

Defendants.

Case No.: CV 08-0116 SC

**STIPULATION OF DISMISSAL;**  
**[PROPOSED] ORDER**  
**[Fed. Rule Civ. Proc., Rule 41(a)(1)]**

IT IS HEREBY STIPULATED by plaintiff State Farm Fire and Casualty Company through their attorney of record, Lawrence M. Guslani of Hayes Davis Bonino Ellingson McLay & Scott, LLP, that the above-captioned action be, and hereby is, DISMISSED WITHOUT PREJUDICE pursuant to Federal Rules of Civil Procedure, rule 41(a)(1). The Complaint was inadvertently filed twice, once on December 21, 2007 (Action No. C 07-06451 JL) and again on January 7, 2008, (Action No. C 08-00116 SC).

Dated: February 8, 2008

**HAYES DAVIS BONINO ELLINGSON  
MCLAY & SCOTT, LLP**

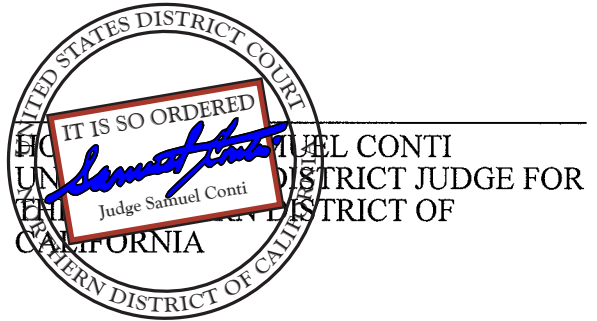
By: 

LAWRENCE M. GUSLANI  
Attorneys for Plaintiff  
STATE FARM FIRE AND CASUALTY COMPANY

ORDER

IT IS SO ORDERED.

Dated: 2/19, 2008



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